

RABINOWITZ, LUBETKIN & TULLY, LLC

JONATHAN I. RABINOWITZ

293 Eisenhower Parkway, Suite 100

Livingston, New Jersey 07039

Attention: Jonathan I. Rabinowitz

(973) 597-9100 phone

(973) 597-9119 fax

jrabinowitz@rltlawfirm.com

Counsel to Defendant FBNK Finance S.a.r.l.,

Digital Commerce Strategy AG and StockAccess Holdings SAS

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

P8H, INC.,

Debtor.

Case No.: 20-10809 (DSJ)

Chapter: 11

**Hearing Date: March 18, 2021 at 10:00
a.m.**

RESPONSE OF FBNK FINANCE S.A.R.L, DIGITAL COMMERE STRATEGY AG AND STOCKACCESS HOLDINGS SAS TO JOINT MOTION OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND THE CHAPTER 11 TRUSTEE SEEKING ENTRY OF AN ORDER ASSIGNING ADVERSARY PROCEEDINGS TO MEDIATION

The response of FBNK Finance S.a.r.l., Digital Commerce Strategy AG and StockAccess Holdings SAS (collectively, the “Defendants”) to the joint motion of the Official Committee of Unsecureds Creditors (the “Committee”) and the Chapter 11 Trustee (the “Trustee”) seeking to assign adversary proceedings to mediation represents as follows:

1. The Defendants are creditors of the Chapter 11 estate and/or defendants in certain adversary proceedings commenced by the Trustee.
2. Defendants seek to have this Court impose the following conditions on the conduct of the mediation, which Defendants understand the Trustee and the Committee have agreed to:

- a. The parties shall submit written mediation statements to the mediator in advance of the mediation which shall be exchanged by the parties;
- b. The mediation shall be confidential and the parties shall not seek to make it public in any way other than the fact that the mediation order is reflected on the Court docket; and
- c. The prosecution and defense of the adversary proceedings shall be stayed and all deadlines tolled pending further order or the Court.

3. Subject to these conditions, the Defendants do not object to assigning the adversary proceedings to mediation.

WHEREFORE, the Defendants seek an order assigning the adversary proceedings to mediation subject to the above-described conditions and the granting of such other relief as is just.

Dated this 11th day of March, 2021

Livingston, New Jersey

RABINOWITZ, LUBETKIN & TULLY, LLC

/s/ Jonathan I. Rabinowitz
JONATHAN I. RABINOWITZ
293 Eisenhower Parkway, Suite 100
Livingston, New Jersey 07039
Attention: Jonathan I. Rabinowitz
(973) 597-9100 phone
(973) 597-9119 fax
jrabinowitz@rltlawfirm.com

*Counsel to Defendant FBNK Finance S.a.r.l.,
Digital Commerce Strategy AG and StockAccess
Holdings SAS*